

Section 100.415 Manufacturer/~~Non-Resident Dealer/Distributor Retailing Prohibition; Express~~ Retailing Privileges

- a) Except as expressly permitted by the Illinois Liquor Control Act, no person authorized to manufacture alcoholic liquor in Illinois or any other state in the United States, nor any person licensed as an Illinois non-resident dealer, nor any person licensed as an Illinois distributor, nor any of its officers, managers, partners, owners who own more than 5%, nor any of its agents or affiliates of the above referenced persons, shall be issued a license authorizing the sale of ~~to sell~~ alcoholic liquor at retail.
- b) The Illinois Liquor Control Act permits a licensed manufacturer of alcoholic liquor to sell alcoholic liquor at retail for on or off-premises consumption if the manufacturer has obtained a local retail license, holds liquor dram shop liability coverage in the required amounts, and under the following conditions:
- 1) Brew Pubs
- ~~A) A brew pub license holder may manufacture up to 155,000 gallons of beer.~~
- ~~AB) A brew pub license holder may sell alcoholic liquor at retail per the conditions set forth in 235 ILCS 5/5-1(n). purchase alcoholic liquor from distributors and sell such alcoholic liquor at retail.~~
- ~~B) A brew pub license holder may sell at retail beer it receives by way of a Commission approved transfer from one of its wholly owned and operated licensed brew pubs in this State.~~
- ~~D) A brew pub license holder may sell up to 155,000 gallons of beer that it has manufactured at the brew pub premises if such sales are solely made on the licensed premises and in person. Delivery of this beer is not permitted.~~
- ~~BE) A brew pub license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold any other license authorizing the manufacture of alcoholic liquor except for other commonly owned brew pub~~

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licenses and one brewer license or one non-resident dealer license if such brewer or non-resident dealer also holds a class 2 brewer license and the class 2 brewer license holder does not sell at retail from more than three locations in this State; and except for a commonly owned –first or second class wine maker and a wine maker’s premises license for the sole purpose of manufacturing and selling cider at or adjacent to the brew pub licensed location.

CF) A brew pub license holder may be issued an Illinois special use license permitting the retail sale of its beer and other alcoholic liquor purchased from distributors at a location other than its own brew pub location, per the conditions set forth in 235 ILCS 5/5-1(q)

2) Brewers

A) A brewer ~~license holder~~ may sell beer that it manufactures on the brewer licensed premises at retail only if such sales are ~~solely~~ made on the licensed premises and in person and the beer is for consumption on or off the licensed premises. A brewer may sell beer at retail from the licensed premises that it has not manufactured on the licensed premises only if the brewer has manufactured the beer at another licensed premises and purchased the beer through an Illinois licensed distributor. Retail sales made at a brewer licensed location include beer sold at a brewer tap room.

B) A brewer ~~license holder~~ shall not be issued an Illinois special use license permitting the retail sale of its beer at a location other than its own brewer licensed location.

C) A brewer ~~license holder~~ shall not hold a wine maker’s premises license, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, which also holds a first or second class wine maker’s license on or adjacent to the brewer location shall not be permitted to hold a wine maker premises license, purchase alcoholic liquor from a distributor, nor sell at retail alcoholic liquor that it has not manufactured.— An officer, manager, partner, owner, agent or affiliate of a brewer, who also holds a first or second class wine maker license at a licensed location not on or adjacent to the brewer, may hold a wine maker

premises license at a licensed location which is not on or adjacent to the brewer licensed location.

D) A brewer shall not ~~be permitted to directly~~ receive a transfer of beer from any other brewer including but not limited to a wholly owned brewer unless the brewer is a class 2 brewer and receives a transfer ~~directly~~ from another wholly owned class 2 brewer ~~with Commission approval~~. Beer that is transferred from one class 2 brewer to another wholly owned class 2 brewer may be sold at retail from the recipient class 2 brewer location.

E) A brewer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not be permitted to hold a brew pub license, a retailer license or any other license authorizing retail sales of alcoholic liquor except for local licenses which authorize the sale of its own beer ~~manufactured at the brewer location~~; and except if the brewer holds a class 2 brewer license authorizing the ownership of ~~no more than three~~ brew pubs ~~subtracted by the number of licensed brewer locations that sell beer at retail. only.~~ Notwithstanding the foregoing prohibition, an officer, manager, partner, owner, agent or affiliate of a brewer, who also holds a first or second class wine maker's license at a licensed location not on or adjacent to the brewer licensed location, may hold a wine maker's premises license at a licensed location which is not on or adjacent to the brewer licensed location.

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3) ~~Brewers/Non Resident Dealers Holding a Class 1 Brewer License~~

~~A) If a brewer/non resident dealer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, produces up to 930,000 gallons of beer and is otherwise qualified, a brewer and non resident dealer may hold a class 1 brewer license~~

~~B) A class 1 brewer license holder may sell beer that it manufactures on the class 1 brewer licensed premises at retail if such sales are solely made on the licensed premises and in person and it designates no more than three commonly owned and operated class 1 brewer locations to sell at retail. Retail sales made at a class 1 brewer include beer sold at a class 1 brewer tap room.~~

~~C) — A class 1 brewer license holder shall not be issued an Illinois special use license permitting the retail sale of its beer at a location other than its own class 1 brewer location.~~

~~D) — A class 1 brewer license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, which also holds a first or second class wine maker's license on or adjacent to the class 1 brewer location shall not be permitted to hold a wine maker premises license, purchase alcoholic liquor from a distributor, nor sell at retail alcoholic liquor that it has not manufactured.~~

~~E) — A class 1 brewer shall not be permitted to sell beer at retail that it has received through a transfer because a class 1 brewer shall not receive beer through a transfer from any other brewer including but not limited to a wholly owned class 1 brewer.~~

~~F) — A class 1 brewer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a brew pub license, a retailer license or any other license authorizing retail sales of alcoholic liquor except for local licenses which authorize the sale of its own beer manufactured at the class 1 brewer location.~~

~~G) — A class 1 brewer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a class 2 brewer license.~~

~~4) — Brewers/Non-Resident Dealers Holding a Class 2 Brewer License~~

~~A) — If a brewer/non-resident dealer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, produces up to 3,720,000 gallons of beer and is otherwise qualified, a brewer and non-resident dealer may hold a class 2 brewer license.~~

~~B) — A class 2 brewer license holder may sell beer that it manufactures on the class 2 brewer licensed premises at retail if such sales are solely made on the licensed premises and in person and it~~

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~~designates no more than three commonly owned and operated class 2 brewer and brew pub locations to sell at retail. Retail sales made at a class 2 brewer include beer sold at a class 2 brewer tap room.~~

~~C) A class 2 brewer license holder shall not be issued an Illinois special use license permitting the retail sale of its beer at a location other than its own class 2 brewer location.~~

~~D) A class 2 brewer license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, which also holds a first or second class wine maker's license on or adjacent to the class 2 brewer location shall not be permitted to hold a wine maker premises license, purchase alcoholic liquor from a distributor, nor sell at retail alcoholic liquor that it has not manufactured.~~

~~E) A class 2 brewer license holder is permitted to sell beer that it has not manufactured on premises at retail if such sales are solely made on the licensed premises and in person, and the beer was manufactured by and received through a transfer from a class 2 brewer wholly owned and operated by the class 2 brewer receiving the transfer of beer.~~

~~FF) A class 2 brewer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall be permitted to hold a maximum of three brew pub licenses. The overall number of class 2 brewer and commonly owned and operated brew pub locations shall be reduced by the number of class 2 brewer retail locations owned and operated by the class 2 brewer. For example, if the class 2 brewer sells beer at retail from one its class 2 brewer location, then the class 2 brewer or affiliates may hold up to two (not three) additional commonly owned and operated brew pub locations.~~

~~G) A class 2 brewer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a class 1 brewer license~~

34) First or Second Class Wine Manufacturers

A) A first or second class wine manufacturer ~~license holder, -its~~ officers, managers, partners, owners who own more than 5%, shall not sell alcoholic liquor at retail from its licensed premises for on or off premises consumption ~~except as authorized as a winery shipper's license holder set forth in 235 ILCS 5/5-1(r) and other relevant sections of the Illinois Liquor Control Act.~~

~~B) A first or second class wine manufacturer may hold a winery shipper's license issued by the State Commission permitting the direct shipment and sales of its manufactured wine direct to non-licensees.~~

BC) A first or second class wine manufacturer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall ~~not not be permitted to~~ hold a wine maker premises license, brew pub license, retailer license, special use license or any other license authorizing retail sales of alcoholic liquor except for a winery shipper's license.

45) Limited Wine Manufacturers

A) A limited wine manufacturer ~~license holder~~ may sell up to 40,000 gallons of wine that it manufactures on the limited wine manufacturer licensed premises annually at retail if such sales are solely made on the licensed premises for on or off premises consumption and in person ~~and- as authorized as a winery shipper's license holder set forth in 235 ILCS 5/5-1(r) and other relevant sections of the Illinois Liquor Control Act.~~

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~~B) A limited wine manufacturer may hold a winery shipper's license issued by the State Commission permitting the direct shipment and sales of its manufactured wine direct to non-licensees.~~

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BC) A limited wine manufacturer, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not ~~be permitted to~~ hold a wine maker's premises license, brew pub license, retailer license, special use license or any other license authorizing retail sales of alcoholic liquor ~~except as authorized as a winery shipper's license holder set forth in 235~~

ILCS 5/5-1(r) and other relevant sections of the Illinois Liquor Control Act. ~~except for a winery shipper's license.~~

56) First and Second Class Wine Makers

A) A first or second class wine maker~~s license holder~~ shall ~~only not~~ sell alcoholic liquor at retail from its licensed premises for on or off premises consumption if ~~it also~~~~they do not~~ holds a wine maker's premises license issued to the wine maker's location ~~and as authorized as a winery shipper's license holder set forth in 235 ILCS 5/5-1(r) and other relevant sections of the Illinois Liquor Control Act.~~

B. Upon approval of the Commission, a first or second class wine maker may hold a wine maker's premises license at two locations which are not licensed as a first or second class wine maker if the first or second class wine maker holds a wine maker's premises license at the first or second class wine maker's licensed location.

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~~B) — If it holds a wine maker premises license, a first class wine maker license holder may sell up to 50,000 gallons of its manufactured wine a year, at retail, from the first class wine maker's premises or two additional Commission approved and additionally licensed locations.~~

~~D) — If it holds a wine maker premises license, a first and second class wine maker license holder may purchase alcoholic liquor from a licensed distributor and sell such alcoholic liquor at retail.~~

E) — If it holds a wine maker premises license, a first or second wine maker license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not be issued any other manufacturing class liquor license.

CF) A first or second class wine maker, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a retailer license, ~~or~~ brew pub license or any other retail license except for a wine maker's premises license at the first or second class licensed locations and two additional locations; and except for a commonly owned brew pub license for

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the sole purpose of manufacturing and selling cider at or adjacent to the brew pub licensed location.

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DG) A first or second class wine maker~~If it holds a wine maker premises license, a first or second class wine maker license holder may also~~ hold a special use license permitting the retail sale of alcoholic liquor at a location other than its own wine maker premises location if it holds a wine maker's makers premises license.

67) Winery Shippers – A person~~licensed~~authorized to make wine by the laws of Illinois or any other state or district within the United States, may be qualified to obtain a winery shipper's license issued by the Commission authorizing the winery shipper to ship wine made by that licensee directly to a resident of Illinois for the resident's personal use and not for resale. All~~No~~ other persons shall not hold a winery shipper's license. A winery shipper may only ship wine that it manufactures..

78) Distillers.

A) -A distiller~~license holder,~~ its officers, managers, partners, owners who own more than 5%, shall not conduct retail sales of alcoholic liquor from the distiller license premises.

B) A distiller~~license holder ,~~its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a brew pub license, retailer license, special use license or any other license authorizing retail sales of alcoholic liquor; except that an officer, manager, partner, owner, agent or affiliate of a distiller, who also holds a first or second class wine maker's license at a licensed location not on or adjacent to the distiller licensed location, may hold a wine maker's premises license at a licensed location which is not on or adjacent to the distiller licensed location. shall not hold any license permitting the sale of alcoholic liquor at retail.

C) —A distiller license holder~~its officers, managers, partners, owners who own more than 5%, shall not hold another alcoholic liquor~~

manufacturer license if the manufacturer holds a local retail liquor license.

89) Craft Distillers

- A) A craft distiller ~~license holder~~ may make retail sales of distilled spirits that it manufactures on the craft distiller licensed premises at retail if such sales are solely made on the licensed premises and in person, for on- or off-premises consumption and it sells no more than 2,500 gallons of its own manufactured distilled spirits annually at retail.
- B) A craft distiller, ~~license holder~~, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold any license permitting the sale of alcoholic liquor at retail except for the local licenses permitting it to sell at retail from the craft distilling licensed location; and except that an officer, manager, partner, owner, agent or affiliate of a craft distiller, who also holds a first or second class wine maker's license at a licensed location not on or adjacent to the craft distiller licensed location, may hold a wine maker's premises license at a licensed location which is not on or adjacent to the craft distiller licensed location.
- ~~C) A craft distiller license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold a wine maker's license if the wine maker holds a wine maker premises license at the same licensed premises or adjacent to the licensed premises of the craft distiller.~~
- ~~D) A craft distiller license holder, its officers, managers, partners, owners who own more than 5% and any of its agents or affiliates, shall not hold a class 2 brewers license if the class 2 brewer, its officers, managers, partners, owners who own more than 5% and any of its agents or affiliates, concurrently hold a brew pub license.~~

940) Rectifiers

- A) A rectifier ~~license holder~~, its officers, managers, partners, owners who own more than 5%, shall not conduct retail sales of alcoholic liquor from the rectifier license premises.

B) A rectifier license holder, its officers, managers, partners, owners who own more than 5%, and any of its agents or affiliates, shall not hold any license permitting the sale of alcoholic liquor at retail; except that —an officer, manager, partner, owner, agent or affiliate of a rectifier, who also holds a first or second class wine maker's license at a licensed location not on or adjacent to the rectifier licensed location, may hold a wine maker's premises license at a licensed location which is not on or adjacent to the rectifier licensed location.

~~C) A rectifier license holder its officers, managers, partners, owners who own more than 5%, shall not hold another alcoholic liquor manufacturer license if the manufacturer holds a local retail liquor license.~~

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